

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – February 12, 2019 – 2:00 P.M.

The regular monthly meeting of the Knox County Commission was held on Tuesday, February 12, 2019, at 2:00 P.M., at the county courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Dorothy G. Meriwether, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Sharyn L. Pohlman, Commissioner District #3.

Assistant Wendy Galvin, Sheriff Timothy Carroll, Chief Deputy Patrick Polky, EMA Director Ray Sisk, Jail Administrator John Hinkley, Register of Deeds Lisa Cottrell, Register of Probate Elaine Hallett, Communications Director Linwood Lothrop, Airport Manager Jeff Northgraves, IT Administrator Michael Dean, and Finance Director Kathy Robinson.

Absent: District Attorney Natasha Irving

Regular Meeting – Agenda

Tuesday – February 12, 2019 – 2:00 P.M.

- I. 2:00 Meeting Called To Order**
- II. 2:01 Presentation**
 - 1. Employee Recognition Presentations.
- III. 2:05 Public Comment -** Public Comment during other portions of the meeting will only be granted by permission of the Chair.
- IV. 2:10 Consent Items**
 - 1. Approve Consent Items as Presented:
 - i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
 - ii. Minutes of Regular Commission Meeting of January 8, 2019.
 - iii. Monthly Written Departmental Reports.
 - iv. Reserve Withdrawals.
- V. 2:15 Action Items**
 - 1. Act to Adopt the Resolution Authorizing Knox County to Join a Lawsuit Against Opiate Drug Companies and to Authorize the County Administrator to Engage the Services of Napoli Shkolnik PLLC and Trafton, Matzen, Belleau & Frenette, LLP for the Purpose of Pursuing Legal Claims in the Recovery of Costs Incurred by Knox County Due to the Opioid Crisis.
 - 2. Act on Approval of a K-9 Purchase and Sale Agreement and Authorize the County Administrator to Sign the Agreement.
 - 3. Act to Call for Nominations to Fill 4 Seats on the Airport Public Advisory Committee (APAC) and Approve the Nomination/Appointment Timetable and Press Release.
 - 4. Act to Award the Bid for the 2019 Tax Anticipation Note.
 - 5. Act to Set the Mil Rate for 2019.
 - 6. Act to Set the Interest Rate on Delinquent County Taxes for 2019.
 - 7. Act to on Letter of Support for the County Administrator to Serve as a MTCMA Ambassador for Knox, Lincoln and Waldo Counties.
- VI. 2:30 Discussion Items**
 - 1. Update on Courthouse HVAC Project.
 - 2. Update on the Jail HVAC Project
 - 3. Discussion of Soliciting Input from Knox County Municipalities on Additional Ways the County Might Benefit Them.
 - 4. Discussion of Commissioner Goals Boeht Near Term and for the Future.
 - 5. Other
- VII. 2:45 Other Business**
- VIII. 2:50 Executive Session**
 - 1. Convene in Executive Session to Discuss a Personnel Matter Pursuant to 1 M.R.S.A. §405(6)(A).
- IX. Adjourn**

I. Meeting Called to Order

Commissioner Parent called the regular meeting of the Knox County Commission to order at 2:00 P.M.

II. Presentation

1. Employee Recognition Presentations.

III. Public Comment

Commission Chair Parent asked if there was any public comment.
There was none.

IV. Consent Items

1. Approve Consent Items as Presented:

- i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
- ii. Minutes of Regular Commission Meeting of January 8, 2019.
- iii. Monthly Written Departmental Reports.
- iv. Reserve Withdrawals.

- *A motion was made by Commissioner Meriwether to approve the consent items as presented. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*

V. Action Items:

1. Act to Adopt the Resolution Authorizing Knox County to Join a Lawsuit Against Opiate Drug Companies and to Authorize the County Administrator to Engage the Services of Napoli Shkolnik PPLC and Trafton Matzen Belleau & Frenette, LLP for the Purpose of Pursuing Legal Claims in the Recovery of Costs Incurred by Knox County Due to the Opioid Crisis.

The Commission was provided a discussion and presentation by Jamie Belleau of Trafton, Matzen, Belleau, & Frenette, LLP last year at the April 10, 2018 monthly Commission Meeting. At that meeting, the Commission voted to table for one (1) month to obtain additional information that ultimately was not provided and this item never was discussed or acted on again. This year, I reached out to Jamie to see if Knox County still could join the class action lawsuit after an article appeared on Pen Bay Pilot on January 7, 2019 regarding multiple counties, and municipalities signing onto this class action suit. Adam Lee will be present to discuss this with the Commission and answer any questions. A resolution will be included that the Commission can consider for adoption.

- Adam Lee from Napoli Shkolnik PPLC and Trafton Matzen Belleau & Frenette, LLP spoke.
- A PowerPoint presentation from Adam Lee was handed to the Commissioners.
- This lawsuit is considered a global settlement. This is not a class action lawsuit - each case is its own case.
- There is a contingent fee for each county.
- 25% of any payout in the lawsuit will go to the attorneys.
- What type of info does Knox County need to provide for the suit? The attorney's will provide a checklist/spreadsheet to the Knox County Jail and Knox County Sheriff's Department.
- Please make note: The lawsuit may take weeks, months or many years to finalize. (For example, the "*Tobacco lawsuit*" took years to finalize.)
- *A motion was made by Commissioner Pohlman to Adopt the Resolution Authorizing Knox County to Join a Lawsuit Against Opiate Drug Companies and to Authorize the County Administrator to Engage the Services of Napoli Shkolnik PPLC and Trafton Matzen Belleau & Frenette, LLP for the Purpose of Pursuing Legal Claims in the Recovery of Costs Incurred by Knox County Due to the Opioid Crisis. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

2. Act on Approval of a K-9 Purchase and Sale Agreement and Authorize the County Administrator to Sign the Agreement.

The attached K-9 Sales Agreement draft is being reviewed and discussed with by Knox County Attorney Peter Marchesi and the Seller's Attorney. The dog the Sheriff's Department is looking to purchase is a Belgian Malinois.

- *A motion was made by Commissioner Meriwether to Act on Approval of a K-9 Purchase and Sale Agreement and Authorize the County Administrator to Sign the Agreement.. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*

3. Act to Call for Nominations to Fill 3 Seats on the Airport Public Advisory Committee (APAC) and Approve the Nomination / Appointment Timetable and Press Release.

Beginning each new year in April, the Commission appoints/reappoints 3 or 4 of the 10 APAC members and the timetable and press release are normally approved in February. All 3 individuals with terms expiring this year are completing their 1st term. The By Laws allow an individual to serve 3 consecutive full-terms, so each of them could be reappointed. Although the public/towns can submit nominations directly to the Commission, the intention is for the APAC to meet in March and "staff/compile" the nomination package for the commission, so the press release does not mention the alternative submission option. All of the nominating bodies have received a heads-up that the Commission will be formally requesting nominations. Specifically, the Town of Owls Head Selectboard has already nominated Adam Philbrook to fill their seat for a 2nd term.

- Owls Head Seat, Adam Philbrook
- Flying Club Seat, Ron Vanosdol
- Commercial Pilot Seat, Kate Shaw
- *A motion was made by Commissioner Meriwether to Act to Call for Nominations to Fill 3 Seats on the Airport Public Advisory Committee (APAC) and Approve the Nomination / Appointment Timetable and Press Release. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*

4. Act to Award the Bid for the 2019 Tax Anticipation Note.

The County sent out an RFP for the 2019 TAN to 12 banks and credit unions. The credit unions have never submitted bids, but we include them anyway. We received bids back from 4 banks, with Machias Savings Bank having the lowest bid at a percentage rate of 2.65% for a potential interest total of \$83,844.71 if the County ends up borrowing the entire amount. The bid results are as follows:

Bidder	Interest Rate	Potential Interest	Notes
Machias Savings Bank	2.65%	\$83,844.71	Quote expires March 1 st
The First	2.7%	\$85,427.00	Quote expires March 1 st
Camden National Bank	3.14%	\$97,987.35	Quote expires March 1 st
Androscoggin Bank	3.31%	\$103,292.17	Quote expires February 29 th

**KNOX COUNTY, MAINE
VOTE OF COUNTY COMMISSIONERS
AUTHORIZING TAX ANTICIPATION BORROWING**

IT IS HEREBY:

- VOTED: That, pursuant to 30-A M.R.S.A. §932, the Finance Director is hereby authorized and empowered to borrow, at one time or from time to time during the fiscal year ending December 31, 2019, singly or in series, an amount or amounts not exceeding \$3,734,500 in anticipation of the collection of receipts from taxes, such borrowing to be evidenced by the issuance of the County's tax anticipation note (the "Note").
- VOTED: That following a solicitation of bids, the County Commissioners award the winning bid to Machias Savings Bank (the "Bank"), and direct that the Note shall be issued to the Bank on an "as needed" basis, with an interest rate of 2.65% per annum to mature on or before December 31, 2019.
- VOTED: That the Note shall be signed in the name of and on behalf of the County by the Finance Director and countersigned by at least a majority of the County Commissioners, attested to by the County Administrator, and shall be payable at maturity out of money raised by taxation during the fiscal year ending December 31, 2019, and shall contain such terms and provisions, not inconsistent herewith, and be in such form as shall be approved by the officers and officials signing the same, which approval shall be conclusively evidenced by their execution thereof.
- VOTED: That the Finance Director, to the extent permitted and available under the Internal Revenue Code of 1986, as amended (the "Code") be and hereby is authorized to designate the Note as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- VOTED: That the Finance Director be and hereby is authorized to covenant with the Bank, in the name of and on behalf of the County, that the County shall take whatever steps, including filing any reports and rebating any excess earnings, as may be required by federal law, and shall refrain from taking any action, as may be necessary or appropriate to ensure that interest on the Note will remain exempt from federal income taxes.
- VOTED: That the officers and officials executing the Note be and hereby are individually authorized to covenant, certify, and agree, in the name of and on behalf of the County and for the benefit of the holders of the Note, that the County will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.
- VOTED: That the Finance Director, County Commissioners, and County Administrator be and hereby are authorized and empowered on behalf of the County to undertake all such acts and things and execute and deliver all such documents and certificates as may be necessary or convenient in connection with the issuance, sale, execution, and delivery of the Note.
- VOTED: That if the Finance Director or County Administrator are for any reason unavailable to approve and execute the Note or any related documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself/herself performed such act.

- *A motion was made by Commissioner Meriwether to Act to Award the Bid for the 2019 Tax Anticipation Note to Machias Savings Bank for an Interest Rate of 2.65% with a potential interest total of \$83,844.71. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*
5. Act to Set the Mil Rate for 2019.
The Commission will be asked to set the mil rate for 2019 now that the state valuations have been finalized /certified by Maine Revenue Services. The Budget Committee and the Commission voted to set the Total Municipal Tax Assessment for 2019 at \$8,033,518 as compared to \$7,785,934 for 2018. Therefore, Administrator Hart is recommending to the Commission for their approval to set the mil rate for 2019 at 0.0010754446, as compared to the mil rate for 2018 at 0.0010753013. The overlay figure is \$157,520, as compared to the overlay figure of \$152,665 for 2018, which is at the 2% maximum that's allowed by statute.
- *A motion was made by Commissioner Pohlman to Act to Set the Mil Rate for 2019. The 2019 mil rate will be set at 0.001075446. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*
6. Act to Set the Interest Rate on Delinquent County Taxes for 2019.
Pursuant to 36 MRSA § 892-A, the County Commission may charge and collect interest on delinquent taxes. The rate of interest is established by the State Tax Assessor and shall be specified by a vote of the County Commissioners and notify the towns that they will be charged late fees if they do not pay their taxes on time. This is noted in several places in the tax bills and dispatch fees bills when they are sent to the towns. The county tax is due September 1, 2019, but late payment charges don't begin until November 1, 2019 as defined by statute. The rate of interest established by the State Tax Assessor for 2019 is 9% simple annual interest. From 2009 through 2017, it was at 7%. For 2018, it was at 8%.
- *A motion was made by Commissioner Meriwether to Act to Set the Interest Rate on Delinquent County Taxes for 2019 at 9%. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*
7. Act on Letter of Support for the County Administrator to Serve as MTCMA Ambassador for Knox, Lincoln and Waldo Counties.
Administrator Hart was asked by the current MTCMA Ambassador Program to serve as a MTCMA Ambassador for Knox, Lincoln, and Waldo Counties until they are able to find an Ambassador for both Lincoln and Waldo Counties. Administrator Hart enclosed information about this program and what his duties would entail. This is a volunteer position and will always take second place to current job requirements. Administrator Hart is asking the Commission to approve this letter of support and to sign the enclosed letter.
- *A motion was made by Commissioner Meriwether to Act on Letter of Support for the County Administrator to Serve as a MTCMA Ambassador for Knox, Lincoln and Waldo Counties. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*

VI. Discussion Items

1. Update on Courthouse HVAC Project.
 - The week of 2/11 – 2/18 there will be off site programming and graphics preparation for the DA office.
 - There may be some on site work this week but more so next week.
 - Next week the ceilings on the lower level in both the Administrative area and in Maine Pre-Trial Office.
 - Installing the controls for the air handling unit, VAV boxes, reheat coils for the DA's office and performing the start up of that system.

- On the third floor, in the server room, a split system will be installed that is to be used for server room cooling.
- 2. Update on the Jail HVAC Project
 - There are some minor items that will be addressed throughout the facility as well.
 - At the close of next week and Administrator Hart would like to schedule a punch list walkthrough including the Budget Committee, to finalize the project on Monday February 25th.
- 3. Discussion of Soliciting Input From Knox County Municipalities on Additional Ways the County Might Benefit Them.
 - A couple of years ago invited municipalities to a meeting and asked the same question. There have been a total of three (3) – four (4) meetings in the ten (10) years Commissioner Parent has been a Commissioner.
 - Possibly provide Ray Sisk's meeting space to hold a meeting with the municipalities, and use Ray as a facilitator.
 - Administrator Hart stated there is one (1) town that wants Knox County to hold a meeting on Animal Control Officers & the services provided.
 - Commissioners discussed holding another meeting for the municipalities' and Maine Legislature to discuss critical needs.
- 4. Discussion of Commission Goals Both Near Term and for the Future.
 - Strategic Planning and Goals will be tabled until the Regular Commission Meeting on March 12, 2019.
 - One Commissioner Discussion should be done as a workshop

VII. Other Business

None

VIII. Special Meeting

1. Convene in Executive Session to Discuss a Personnel Matter Pursuant to 1 M.R.S.A. §405(6)(A).
 - *A motion was made by Commissioner Pohlman to go into Executive Session Pursuant to 1 M.R.S.A. §405(6)(A). The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

The executive session convened at 3:50 P.M.

The executive session concluded at 5:20 P.M.

IX. Adjourn

- *A motion was made by Commissioner Pohlman to adjourn the meeting. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

The meeting adjourned at 5:21P.M.

Respectfully submitted,

Wendy Galvin
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting
held on March 12, 2019.**